



1-11-06

PATENT--NO FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Craig N. Hansen and  
Lonnie J. Helgeson

Group Art Unit 3764

Serial No.: 10/646,357

Filed: August 22, 2003

Exr: D.D. Demille

Title: RESPIRATORY VEST

Case Docket No.: E100.12.12

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The owner, Electromed, Inc., a Minnesota corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory terms of prior U.S. Patents Nos. 6,676,614 and 6,254,556 and the U.S. Patent that matures from U.S. Patent Application Serial No. 11/100,778 as the terms of said prior patents are defined in 35 U.S.C. 154 and 173, and as the terms of said prior patents are presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the

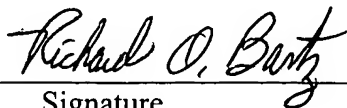
full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents "as the terms of said prior patents are presently shortened by any terminal disclaimer," in the event that said prior patents later:

- expire for failure to pay a maintenance fee;
- are held unenforceable;
- are found invalid by a court of competent jurisdiction;
- are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- have all claims canceled by a reexamination certificate;
- are reissued; or
- are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

Terminal disclaimer fee of \$65 under 37 CFR 1.20(d) included.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney or agent of record. Reg. No. 20,468

  
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Signature

  
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Date

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